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10/057,048	01/23/2002	Steven C. Robertson		3434

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EXAMINER

SALIARD, SHANNON S

ART UNIT	PAPER NUMBER
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3628

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/057,048	Applicant(s) ROBERTSON ET AL.	
	Examiner SHANNON S. SALIARD	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. Applicant has amended claims 17-23 and cancelled claims 1-16. No claims have been newly added. Thus, claims 17-23 remain pending and are presented for examination.

Response to Arguments

2. Applicant's arguments filed 13 November 2007 have been fully considered but they are not persuasive.

3. Applicant argues that the Ground Delivery Operator does not have (1) a website, (2) a server application to provide online service to the users over the distributed network, " and (3) a luggage transport client application. First Examiner notes, although the system of Quackenbush is not broken into the same separable parts as Applcicnat, It would seem scarcely necessary to point out that merely making a two-piece handle in one piece is not patentable invention because it is an obvious thing to do if deemed desirable, see *In re Wolfe*, 116 USPQ 443, 444 (CCPA 1961)) . Thus, it is obvious to make integral the parts of a Quackenbush's invention to obtain the claimed system. Quackenbush et al discloses, "while purchasing tickets, users are provided the option of arranging for the pick-up and delivery of their personal baggage...the user links to a second baggage- delivery Web site dedicated to baggage delivery (i.e., service partner website). Typically, the Web site is maintained by a server computer having a database.Database stores baggage identification information (e.g., baggage claim

numbers) inlinked relation to a final delivery location specified by the traveler" [Fig. 3; col 3, lines 44-54]. Thus, the server with a database that stores baggage identification information inherently has a server application since the information in the server can be linked to for access of the information. Furthermore, Figure 3 shows the service partner site (BaggageDirect Web site) operatively associated with a computer (computer 302 is operatively associated with the partner website) connected to the distributed network (i.e., Internet). Quackenbush et al discloses, "if the traveler wishes to make arrangements for baggage pick-up and delivery, the traveler indicates this desire in step 410 by clicking an icon on Web page to navigate to baggage-delivery Web site...all the passenger's travel information is forwarded from Web page to Web site via automatic data relay when the passenger clicks the icon...Web site dynamically creates a Web page including the passenger's travel information and a form to permit the passenger to fill in additional information concerning baggage delivery" [col 4, lines 13-29]. Since the information is automatically received at the Web site and additional information can be collected at the Website, there has to be a client application running on the computer.

Although Quackenbush does not explicitly state the luggage transport client application is for interaction with the luggage transport server application, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly*, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex*

parte Masham, 2 USPQ2d 1647 (Bd Pat. App. & Inter. 1987). Thus, the structural limitations of claim 1 are disclosed by Quackenbush et al as described above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 17-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Quackenbush et al [US Patent 6,512,964] in view of Lanigan, Sr. [US 2003/0061085] and Barni et al [US 6,920,429]

As per **claim 17**, Quackenbush et al discloses a system for providing pickup and delivery of luggage over a distributed network, the system comprising: at least one computer server connected to the distributed network [see Fig. 3], the server running a luggage transport server application [col 3, lines 47-50, Examiner interprets an application to be something that enables interaction between user and website]; a plurality of user input/output devices operatively configured to access an online service at a service partner site [Fig. 3, col 3, lines 39-45]; the luggage transport server application operatively connected to data storage residing on computer readable media [Fig. 3, col 3, lines 50-54], and the luggage transport server application configured to:

Art Unit: 3628

receive and store luggage travel segment data from a user [col 4, lines 13-52, prompts user for location from which bags is to be picked up and delivered and database is updated]. Quackenbush et al does not explicitly disclose a plurality of luggage carriers each having sites, each luggage carrier's associated computer also running at least one luggage transport client application for interaction with the luggage transport server application. However, Quackenbush et al discloses a service partner having a site, the site operatively associated with a computer connected to the distributed network, the service partner associated computer running at least one server application to provide online service to users over the distributed network [col 46-55]. Quackenbush et al does not further disclose programmatically match a luggage travel segment to a selected luggage carrier; output selected luggage travel segment data to the selected luggage carrier. However, Lanigan, Sr. discloses that information from the passenger is transmitted to the central office of the luggage carrier (output segment data to service partner), which comprises a system different from the airline passenger system, for example United Parcel Federal Express, or another organization [0023; 0024]. Moreover, Barni et al discloses a customer may input a shipping lane and that available carriers for that shipping lane are identified and displayed ([col 5, lines 43-52]; Examiner interprets luggage travel segment to be a shipping lane). Barni et al further discloses that the website may be mirrored at additional servers in the network [col 4, lines 1-6]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Quackenbush et al to include the method disclosed by Lanigan, Sr. and Barni et al. Barni et al provides the motivation that it is highly

partner. However, Barni et al discloses that after a carrier has entered appropriate bid information, the bid is posted wherein the bid is displayed to the user and the user can accept the bid by highlighting the appropriate row in the table and then a conformation is sent to both parties [col 7, lines 12-54]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Quackenbush et al to include wherein the luggage transport server application is further configured to: receive and store luggage travel segment bid data from the selected service partner; output luggage travel segment bid data to the user; receive and store luggage travel segment bid acceptance data from the user; output luggage travel segment bid acceptance data to the selected service partner so that the user can receive the most competitive rates.

As per **claim 20**, Quackenbush et al discloses a system for providing pickup and delivery of luggage across multiple service providers over a distributed network, the system comprising: at least one computer server connected to the distributed network [see Fig. 3], the server running a luggage transport server application [col 3, lines 47-50, Examiner interprets an application to be something that enables interaction between user and website]; a plurality of user input/output devices operatively configured to access an online service at a service partner site [Fig. 3, col 3, lines 39-45]; the luggage transport server application operatively connected to data storage residing on computer readable media [Fig. 3, col 3, lines 50-54], and the luggage transport server application configured to: receive and store luggage travel segment data from a user [col 4, lines 13-52, prompts user for location from which bags is to be picked up and delivered and

desirable to provide an improved online business method wherein customers can obtain cargo rates from one or more freight forwarders without having to visit multiple third party sites and manually comparing the information during such searching [col 1, lines 52-66].

As per **claim 18**, Quackenbush et al does not disclose wherein the luggage transport server application is further configured to: receive and store luggage travel segment data from the selected luggage carrier; output luggage travel segment data to the user. However, Barni et al discloses that a carriers post published rates for transporting cargo and that a rate quote for a shipping lane is displayed to the user through the website [col 5, lines 15-30]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Quackenbush et al to include wherein the luggage transport server application is further configured to: receive and store luggage travel segment data from the selected service partner; output luggage travel segment data to the user. Barni et al provides the motivation that providing this information to the customer allows them the opportunity to evaluate competitive prices in one consolidated location instead of having to navigate to individual company websites [col 5, lines 21-24].

As per **claim 19**, Quackenbush et al does not disclose wherein the luggage transport server application is further configured to: receive and store luggage travel segment bid data from the selected luggage carrier; output luggage travel segment bid data to the user; receive and store luggage travel segment bid acceptance data from the user; output luggage travel segment bid acceptance data to the selected service

Art Unit: 3628

database is updated]. Quackenbush et al does not explicitly disclose a plurality of luggage carrier each having sites, each partner associated computer also running at least one luggage transport client application. However, Quackenbush et al discloses a service partner having a site, the site operatively associated with a computer connected to the distributed network, the service partner associated computer running at least one server application to provide online service to users over the distributed network [col 46-55]. Quackenbush et al does not further disclose programmatically match a luggage travel segment to a selected service partner; output selected luggage travel segment data to the selected service partner; receive and store luggage travel segment data from the selected service partner; and output luggage travel segment data to the user. However, Lanigan, Sr. discloses that information from the passenger is transmitted to the central office of the luggage carrier (output segment data to service partner), which comprises a system different from the airline passenger system, for example United Parcel Federal Express, or another organization [0023; 0024]. Moreover, Barni et al discloses a customer may input a shipping lane and that available carriers for that shipping lane are identified and displayed ([col 5, lines 43-52]; Examiner interprets luggage travel segment to be a shipping lane). Barni et al further discloses that the website may be mirrored at additional servers in the network [col 4, lines 1-6].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Quackenbush et al to include the method disclosed by Lanigan, Sr. and Barni et al. Barni et al provides the motivation that it is highly desirable to provide an improved online business method wherein customers can obtain

Art Unit: 3628

cargo rates from one or more freight forwarders without having to visit multiple third party sites and manually comparing the information during such searching [col 1, lines 52-66]. Barni et al further discloses that a carriers post published rates for transporting cargo and that a rate quote for a shipping lane is displayed to the user through the website [col 5, lines 15-30]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Quackenbush et al to include wherein the luggage transport server application is further configured to: receive and store luggage travel segment data from the selected service partner; output luggage travel segment data to the user. Barni et al provides the motivation that providing this information to the customer allows them the opportunity to evaluate competitive prices in one consolidated location instead of having to navigate to individual company websites [col 5, lines 21-24].

As per **claims 21-23**, Quackenbush et al does not further disclose wherein the luggage transport server application is further configured to: programmatically match a luggage travel segment to a plurality of selected service partners; output selected luggage travel segment data to the plurality of selected service partners; receive and store luggage travel segment bid data from each service partner; output luggage travel segment bid data to the user; receive and store luggage travel segment's bid acceptance data from the user; output luggage travel segment's bid acceptance data to the plurality of service partners. However, Barni et al discloses a customer may input a shipping lane and that available carriers for that shipping lane are identified and displayed ([col 5, lines 43-52]; Examiner interprets luggage travel segment to be a

Art Unit: 3628

shipping lane). Barni et al further discloses that after a carrier has entered appropriate bid information, the bid is posted wherein the bid is displayed to the user and the user can accept the bid by highlighting the appropriate row in the table and then a conformation is sent to both parties [col 7, lines 12-54]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Quackenbush et al to include wherein the luggage transport server application is further configured to: receive and store luggage travel segment bid data from the selected service partner; output luggage travel segment bid data to the user; receive and store luggage travel segment bid acceptance data from the user; output luggage travel segment bid acceptance data to the selected service partner so that the user can receive the most competitive rates.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 3628

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHANNON S. SALIARD whose telephone number is (571)272-5587. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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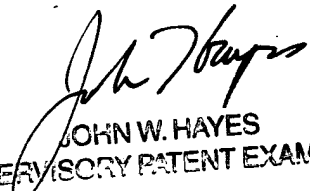
Art Unit: 3628

"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314

Shannon S Saliard
Examiner
Art Unit 3628

/S. S. S./
Examiner, Art Unit 3628


JOHN W. HAYES
SUPERVISORY PATENT EXAMINER